

## REMARKS

Claims 1, 2, 6, 8, 9 and 15 remain pending in this application.

Claim 1 is the only independent claim.

Claims 1 and 6 have been amended to recite additional limitation that further distinguish the invention from the prior art.

Claim 2 has been amended to clarify the recitation of the desiccant-holding cavity.

Support for the amendment can be found in the Specification as follows:

As to Claim 1, page 4, lines 15-18; page 5, lines 13-17; also page 5, lines 5-10.

As to Claim 2, page 4, line 20 - page 5 line 4.

As to Claim 6, page 5, line 20 - page 6, line 2.

### Response to the Examiner's Action

Rejection under 35 U.S.C. 112.

Claim 1 is now couched in structural terms. The relationship between the elements is well defined. It is clear that the valve has a cavity that can be alternately exposed to two containers - the vessel or the pan.

Claim 2 clearly recites the desiccant-holding second cavity in the valve. The confusing term "reagent" has been replaced by -- desiccant compound--.

Claim 8 finds support on page 4, lines 9-20 of the Specification.

Claim 15 is clearly supported in the Specification at page 5, line 20 - page 6, line 2.

Claims 5 and 10 have been cancelled.

Applicant submits that the rejection has been overcome by the amendment and the above

explanations.

Rejection under 35 U.S.C. 102.

The cited prior art does not disclose an apparatus for exposing a metered amount of liquid specimen to immunochromatographic test strips by means of a single, two position valve simultaneously opening a cavity into two symmetrical test portions as now recited in Claim 1.

Hudak discloses a single test portion. Cui et al. uses either two valves, one for each test portions (Figure 4) or a three-position valves to alternately feed the two portions (Figure 5).

Lacking a disclosure of a key element of the invention in the prior art, the rejection is no longer appropriate.

Rejection under 35 U.S.C. 103 (a).

As to Claim 2, none of the cited prior disclosure suggests placing a desiccant in a part of the valve that is exposed to the test portion during shipment and up to the time of analysis of the sample fluid. The Examiner has not offered a single reference beyond some that shows valve cavities or well used exclusively to carry amounts of fluid. The Examiner gratuitous conclusion does not meet the burden to prove a prima facie case of obviousness.

As to original Claim 4, its limitations are now incorporated in Claim 1.

Claims 5 and 7 have been canceled.

Claim 6 recites the arrangement of the test station and its symmetrical merging channels. In the cited prior art there is no evidence of communications between two test sites 6. In the invention, a communication through the test station 7 and channels 26 results in isovolumetric and isobaric

conditions between the test sites as claimed in Claim 15. Here again the gratuitous, hind sight conclusion of obviousness is not supported by any prior disclosure.

In light of the foregoing arguments, the Applicant respectfully requests early allowance of the pending claims.

Respectfully submitted,



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